

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**DOMINIQUE BENSON,** }  
Plaintiff, }  
v. } Case No.: 2:14-cv-00980-JEO  
**FAURECIA AUTOMOTIVE,** }  
**Defendant.** }

**MEMORANDUM OPINION**

On July 10, 2015, Chief Magistrate Judge John Ott entered a report concerning the defendant Faurecia Automotive's motion to dismiss the complaint due to plaintiff Dominque Benson's failure to comply with the Court's April 13, 2015 discovery order and her failure to attend her deposition. (Doc. 28). In his report, Judge Ott recommended that the Court dismiss this case with prejudice and award Faurecia Automotive costs, including reasonable expenses and attorney's fees. (Doc. 28, pp. 6-7). Judge Ott explained to the parties that they had fourteen days in which to file objections to the recommendation. (Doc. 28, pp. 7-8). Neither party has filed objections. On August 10, 2015, the Clerk of Court randomly drew the undersigned to review Judge Ott's July 10, 2015 report.

A district court "may accept, reject, or modify, in whole or part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). When a party objects to a report and recommendation, the district court must "make a de

novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.* The Court reviews for plain error the portions of the report or proposed findings to which no objection is made. *Garvey v. Vaughn*, 993 F.2d 776, 779 n.9 (11th Cir. 1993); *see also United States v. Slay*, 714 F.2d 1093, 1095 (11th Cir. 1983) (per curiam), *cert. denied*, 464 U.S. 1050 (1984) (“The failure to object to the magistrate’s findings of fact prohibits an attack on appeal of the factual findings adopted by the district court except on grounds of plain error or manifest injustice.”) (internal citation omitted); *Macort v. Prem, Inc.*, 208 Fed. Appx. 781, 784 (11th Cir. 2006).

The Court has reviewed the record and Judge Ott’s report and recommendation. (Doc. 28). Applying the plain error standard, the Court **ADOPTS** the July 10, 2015 report and **ACCEPTS** Judge Ott’s recommendation that the Court dismiss this action with prejudice. Because this case is assigned to Judge Ott, he will resolve the pending petition for costs. (Docs. 29, 30). The Court will enter a separate order of dismissal consistent with this memorandum opinion.

**DONE** and **ORDERED** this October 8, 2015.

  
**MADELINE HUGHES HAIKALA**  
UNITED STATES DISTRICT JUDGE